HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH: Hon'ble Shri S.R. Nayak, CJ

WRIT PETITION No. 1370 OF 1999

PETITIONER

Shakti Pictures Circuit Ltd.,
A Limited Company, Amravati
Through : Chairman: K.M. Rathi
Amaravati:
Unit Amer-Deep Talkies
Raipur (MP)

Versus

RESPONDENTS

1. Rent Controlling Authority
Raipur (MP)
2. Secretary,
Dudhadhari Shri Vaishav Nyas
Samiti, Shaskiya Sanskrit Mahavidyalaya,
Raipur (MP)

Present:

Mr. Manindra Shrivastava, Sr. Advocate with Mr. Ashish Shrivastava and Amrito Das, learned counsel for the petitioner.

Mr. Yashwant Singh Thakur, learned Govt. Advocate for the State/respondent No. 1.

Mr. R.N. Jha, learned counsel for respondent No. 2.

ORAL ORDER
(Passed on 8th of December 2005)

The action of the Rent Controlling Authority, Raipur, first respondent herein in enhancing the rent payable in respect of the subject premises of which the petitioner is tenant, is called in question mainly on the ground that the order was made by the first respondent at the instance of the second respondent, the land owner without notice to him and without giving him any opportunity of being heard as required under

Section 30 of the C.G. Accommodation Control Act. Although, the second respondent has filed statement of objections to the writ petition, the above specific allegation made by the petitioner is not denied. What is stated in the statement of objection is that the petitioner was aware of the proceedings. Respondent No. 1 has also not filed any statement of objections. There is no good reason for the Court to doubt the integrity of the sworn statement made by the petitioner, particularly, at this distance of time.

(2) In that view of the matter, the writ petition is allowed. The impugned order is quashed. The application filed by the second respondent-owner shall stand remitted to the first respondent and the first respondent is directed to dispose of that application, strictly in accordance with law and after notice to the petitioner and after giving him reasonable opportunity of being heard. There shall be no order as to costs.

Sd/-
Chief Justice

Subbu